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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Larry Cecil Brown

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Robert D. Shedd, Patent Operations  
THOMSON Licensing LLC  
P.O. Box 5312  
Princeton, NJ 08543-5312

EXAMINER

TOLENTINO, RODERICK

ART UNIT

PAPER NUMBER

2439

NOTIFICATION DATE

DELIVERY MODE

01/30/2012

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@technicolor.com  
pat.verlangieri@technicolor.com  
russell.smith@technicolor.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,754	<b>Applicant(s)</b> BROWN ET AL.	
	<b>Examiner</b> RODERICK TOLENTINO	<b>Art Unit</b> 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/19/2011</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1 – 21 are pending.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection, as necessitated by amendment my applicant on 12/07/2011.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 3, 7 – 15 and 19 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson et al. U.S. Patent No. (7,565,678) in view of Hoang U.S. U.S. PG-Publication No. (2002/0049980).
3. As per claims 1 and 11, Watson teaches a service provider selectively accessible via a network by a plurality of end users each having an access device for accessing the network (Watson, Col. 2 Lines 31 – 40, service provider connected via a network to at least one STB), but fails to teach wherein the service provider maintains a level of integrity to allow it to provide network access to an access device and a control mechanism disposed at a location of the service provider which accesses each of the

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access devices to modify stored network connection information on a corresponding access device of a corresponding end users and thereby remotely to designate portions of the information as service provider accessible only to prevent compromise of the service provider's integrity by the corresponding end users. However, in an analogous art Hoang teaches wherein the service provider maintains a level of integrity to allow it to provide network access to an access device (Hoang, Paragraph 0049, teaches subscription level information for clients, maintained by the DOD system), and a control mechanism disposed at a location of the service provider which accesses each of the access devices to modify stored network connection information on a corresponding access device of a corresponding end users and thereby remotely to designate portions of the information as service provider accessible only to prevent compromise of the service provider's integrity by the corresponding end users (Hoang, Paragraphs 0069 – 0072, teaches an STB being updated with subscription level information, this update would be a modification of the network connection information).

4. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Hoang's Controlling data-on-demand client access with Watson's devices for discouraging unauthorized modifications to set top boxes because it offers the advantage of providing a method for preventing delinquent clients from accessing data from a DOD system without relying on bi-directional communication (Hoang, Paragraph 0025).

5. As per claims 2 and 12, Watson teaches wherein the control mechanism can determine if an end user has accessed the service provider only accessible portions of

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the information (Watson, Col. 6 Lines 9 – 21, service provider detects unauthorized modifications to the STB).

6. As per claims 3, Watson teaches wherein the stored information includes a configuration file for the access device (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB).

7. As per claims 7, Watson teaches wherein service provider includes security levels for the information to prevent access thereof by the end users (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

8. As per claims 8, Watson teaches wherein the security levels are associated with the designated portions at or before initializing the access devices (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

9. As per claims 9, Watson teaches wherein the security levels are associated with the designated portions after initializing the access devices (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

10. As per claims 10, Watson teaches wherein the control mechanism includes a software program for accessing and modifying the information of the access devices

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and designating portions thereof to prevent access by the end users (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

11. As per claims 13, Watson teaches wherein the step of providing the control mechanism includes providing a software program for accessing and modifying the information of the access devices and designating portions thereof to prevent access by the end users (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB, i.e. configuration file).

12. As per claims 14, Watson teaches wherein the step of remotely accessing and modifying the end user network devices includes remotely accessing the end user devices from a service provider's location (Watson, Col. 2 Lines 31 – 40, service provider remotely connected via a network to at least one STB),

13. As per claims 15, Watson teaches wherein the information stored on the network access devices includes a configuration file for the access device (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB, i.e. configuration file).

14. As per claims 19, Watson teaches the step of assigning security for the stored information to prevent access thereof by the end users (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

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15. As per claims 20, Watson teaches wherein the security levels are associated with the designated portions at or before initializing the access devices (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

16. As per claims 21, Watson teaches wherein the security levels are associated with the designated portions after initializing the access devices (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

17. Claims 4 – 6 and 16 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson et al. U.S. Patent No. (7,565,678) and Hoang U.S. U.S. PG-Publication No. (2002/0049980) in view of Benhammou et al. U.S. Patent No. (5,991,519).

18. As per claim 4, Watson fails to teach wherein service provider includes a security code for the designated portions to prevent access thereof by the end users. However, in an analogous art Benhammou teaches wherein service provider includes a security code for the designated portions to prevent access thereof by the end users (Benhammou, Col. 2 Lines 24 – 45, security code preventing access to a secured memory).

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19. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Benhammou's secure memory having multiple security levels with Watson's devices for discouraging unauthorized modifications to set top boxes because it offers the advantage of preventing access to secured memories (Benhammou, Col. 2 Lines 24 – 45).

20. As per claim 5, Watson as modified teaches wherein the security code is associated with the designated portions at or before initializing the access devices (Benhammou, Col. 2 Lines 24 – 45, security code preventing access to a secured memory).

21. As per claim 6, Watson as modified teaches wherein the security code is associated with the designated portions after initializing the access devices (Benhammou, Col. 2 Lines 24 – 45, security code preventing access to a secured memory).

22. As per claim 16, Watson as modified teaches wherein the step of preventing the end user from accessing the designated information includes employing a security code for the designated portions to prevent access thereof by the end users (Benhammou, Col. 2 Lines 24 – 45, security code preventing access to a secured memory).

23. As per claim 17, Watson as modified teaches wherein the security code is associated with the designated portions at or before initializing the access devices.

24. As per claim 18, Watson as modified teaches wherein the security code is associated with the designated portions after initializing the access devices (Benhammou, Col. 2 Lines 24 – 45, security code preventing access to a secured



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memory).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RODERICK TOLENTINO whose telephone number is (571)272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roderick Tolentino  
Examiner  
Art Unit 2439

/R. T./  
Examiner, Art Unit 2439

/Michael J Simitoski/  
Primary Examiner, Art Unit 2439